

**SUPREME COURT
OF BRITISH COLUMBIA
VANCOUVER REGISTRY**

JUL 24 2013

No. **S-135556**

Vancouver Registry



IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN

BEVERLY MARY ABRAHAM

PLAINTIFF

AND

JOHN FURLONG, ROMAN CATHOLIC ARCHDIOCESE OF VANCOUVER, ROMAN
CATHOLIC PRINCE GEORGE DIOCESE AND CATHOLIC INDEPENDENT SCHOOLS
DIOCESE OF PRINCE GEORGE

DEFENDANTS

NOTICE OF CIVIL CLAIM

This action has been started by the plaintiff(s) for the relief set out in Part 2 below.

If you intend to respond to this action, you or your lawyer must

- (a) file a response to civil claim in Form 2 in the above-named registry of this court within the time for response to civil claim described below, and
- (b) serve a copy of the filed response to civil claim on the plaintiff.

If you intend to make a counterclaim, you or your lawyer must

- (a) file a response to civil claim in Form 2 and a counterclaim in Form 3 in the above-named registry of this court within the time for response to civil claim described below, and
- (b) serve a copy of the filed response to civil claim and counterclaim on the plaintiff and on any new parties named in the counterclaim.

JUDGMENT MAY BE PRONOUNCED AGAINST YOU IF YOU FAIL to file the response to civil claim within the time for response to civil claim described below.

Time for response to civil claim

A response to civil claim must be filed and served on the plaintiff(s),

- (a) if you were served with the notice of civil claim anywhere in Canada, within 21 days after that service,
- (b) if you were served with the notice of civil claim anywhere in the United States of America, within 35 days after that service,
- (c) if you were served with the notice of civil claim anywhere else, within 49 days after that service, or
- (d) if the time for response to civil claim has been set by order of the court, within that time.

CLAIM OF THE PLAINTIFF

PART 1: STATEMENT OF FACTS

The Parties

1. The Plaintiff, Beverly Mary Abraham, was born on April 9, 1958 in Burns Lake, British Columbia. She attended Immaculata Roman Catholic Elementary School ("Immaculata Elementary") in Burns Lake, British Columbia in 1969 and 1971.
2. Immaculata Elementary was a Roman Catholic non-residential educational institution and operated from 1957 until it was shut down in 1986. Immaculata Elementary was owned, administered and operated by the defendants Roman Catholic Archdiocese of Vancouver (the "Archdiocese"), Roman Catholic Diocese of Prince George (the "Diocese") and Catholic Independent Schools Diocese of Prince George ("CISDPG"). CISDPG and the Diocese have an office for delivery at 6500 Southridge Avenue in Prince George. The Archdiocese has an address for delivery at 150 Robson Street in Vancouver.
3. The Defendant John Furlong was employed at and by Immaculata Elementary as a physical education teacher in 1969 and 1970.

Sexual Touching

4. The Defendant John Furlong sexually molested the Plaintiff approximately 12 times from November of 1969 to May of 1970. She was eleven years old at the time. The sexual touching consisted of grabbing her breasts and buttocks, touching her vagina and vaginal area, and attempting to put his tongue in her mouth.
5. The sexual touching occurred in the school gym at Immaculata Elementary during school hours, usually after physical education class had ended, in the school gym, the equipment room and a mechanical closet. The Defendant John Furlong would direct the Plaintiff to stay late after class and then would close the door to the gym.
6. The Defendant John Furlong emotionally and psychologically manipulated the Plaintiff by telling her that it was not wrong for him to touch her like that, by telling the Plaintiff, "You're my beautiful Indian girl and my protégé", and by telling her, "You're my

favourite of all the girls". The Plaintiff did not know what protégé meant until she went to high school.

7. The Defendant John Furlong requested that one or more of the nuns operating Immaculata Elementary physically punish the Plaintiff by forcing her to kneel and striking her open palms repeatedly.
8. At all material times, the Defendants CSIDPG, the Archdiocese and the Diocese were aware that the Defendant John Furlong was sexually touching the Plaintiff and other children enrolled at Immaculata Elementary. The Plaintiff's parents informed CSIDPG, the Archdiocese and the Diocese, and their representatives and employees, including a priest, Father Silke, that John Furlong was sexually and physically abusing the Plaintiff. Children of other parents also informed the Defendants that John Furlong was sexually and physically abusing their children. CSIDPG, the Archdiocese and the Diocese knew that John Furlong was a risk to children under his control at the time he was hired at Immaculata Elementary.
9. CSIDPG, the Archdiocese and the Diocese failed to prevent John Furlong from sexually and physically abusing the Plaintiff. They also failed to implement appropriate policies to ensure that they did not hire or continue to employ persons who are a risk to the sexual and physical integrity of children enrolled at Immaculata Elementary.
10. The abuse of the Plaintiff by John Furlong violated the Plaintiff's sexual integrity and caused her to suffer health and psychological problems and conditions, including anxiety and depressive conditions and difficulty forming appropriate and enduring sexual and emotional bonds.

Defamation

11. Following the abuse, the Plaintiff was intimidated by the Defendants and their influence, suffering emotionally and psychologically from the abuse, and was generally disempowered as a result of racism and geographic isolation. She did not seek legal advice and was unaware that she could bring legal action against the Plaintiff.
12. The Plaintiff sought legal advice only after viewing a televised press conference held on September 27, 2012, in which the Defendant John Furlong responded to a series of articles published by the Georgia Straight newspaper.
13. During the press conference, John Furlong stated or implied that persons who had alleged that he had sexually or physically abused them at Immaculata Elementary were lying or were liars who were attempting to extort him. The words spoken by John Furlong at the

press conference, in their ordinary meaning and/or by way of innuendo, were intended to mean and did mean that his accusers, including the Plaintiff, were dishonest and was engaged in criminal activity. The words spoken by John Furlong were false, defamatory, maliciously spoken, dishonest and calculated to intimidate his victims and discourage them from coming forward. The words damaged the Plaintiff's reputation and deepened the emotional and psychological injuries caused by her physical and sexual abuse.

Part 2: RELIEF SOUGHT

1. The Plaintiff claims against the Defendants, and each of them, for:
 - (a) general and special damages;
 - (b) punitive, aggravated and exemplary damages;
 - (c) interest pursuant to the Court Order Interest Act, R.S.B.C. 1996, c. 79;
 - (d) costs; and
 - (e) any and all other relief that may be just and fair.

Part 3: LEGAL BASIS

1. John Furlong's sexual and physical abuse and emotional manipulation and distortions are intentional torts and constitute a breach of fiduciary duty. The remaining Defendants are vicariously liable for John Furlong's sexual and physical abuse and emotional and psychological manipulation and distortions.
2. John Furlong is liable in defamation for the statements he made at his September 27, 2012 press conference.

Plaintiff's address for service:

Gratl & Company
Barristers and Solicitors
302 – 560 Beatty Street
Vancouver, B.C.
V6B 2L3

Attn: Jason Gratl

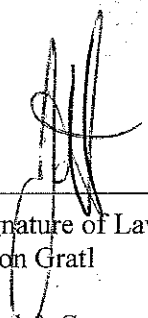
Fax number address for service: (604) 608-1919

E-mail address for service: N/A

Place of trial: Vancouver, B.C.

The address of the registry is: 800 Smithe Street, Vancouver, B.C.

Date: July 24, 2013



Signature of Lawyer for the Plaintiff
Jason Gratl

Gratl & Company
Barristers and Solicitors
302 – 560 Beatty Street
Vancouver, B.C. V6B 2L3
Telephone: 604-694-1919
Facsimile: 604-608-1919

Rule 7-1 (1) of the Supreme Court Civil Rules states:

(1) Unless all parties of record consent or the court otherwise orders, each party of record to an action must, within 35 days after the end of the pleading period,

(a) prepare a list of documents in Form 22 that lists

(i) all documents that are or have been in the party's possession or control and that could, if available, be used by any party at trial to prove or disprove a material fact, and

(ii) all other documents to which the party intends to refer at trial, and

(b) serve the list on all parties of record.

Appendix

Part 1: CONCISE SUMMARY OF NATURE OF CLAIM:

This claim seeks compensation for childhood sexual abuse.

Part 2: THIS CLAIM ARISES FROM THE FOLLOWING:

A personal injury arising out of:

☐ a motor vehicle accident

☐ medical malpractice

☒ another cause

A dispute concerning:

☐ contaminated sites

☐ construction defects

☐ real property (real estate)

☐ personal property

☐ the provision of goods or services or other general commercial matters

☐ investment losses

☐ the lending of money

☐ an employment relationship

☐ a will or other issues concerning the probate of an estate

☒ a matter not listed here

Part 3: THIS CLAIM INVOLVES:

☐ a class action

☐ maritime law

☐ aboriginal law

☐ constitutional law

☐ conflict of laws

☒ none of the above

[] do not know

Part 4:

Court Order Interest Act, R.S.B.C. 1996 c. 79